

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE**

JAY PATTON, )  
                  )  
                  )  
*Plaintiff,* )  
                  )  
                  )  
v.               )      No.: 3:13-cv-146-TAV-CCS  
                  )  
                  )  
JUSTIN HAMBY, )  
                  )  
                  )  
*Defendant.* )

**MEMORANDUM AND ORDER**

This is a *pro se* prisoner's civil rights action which is scheduled for a jury trial on September 16, 2014. The defendant has filed a motion to continue the trial date, and to reset deadlines, based upon the injuries to defense counsel Arthur Crownover II as a result of a serious bicycle accident and his ongoing physical therapy and absence from the office. The motion to continue [Doc. 19] is **GRANTED**. The trial of this matter is **CONTINUED** to April 20, 2015, at 9:00 a.m. The deadline for completion of discovery, for filing of dispositive motions, and for filing defendant's Pretrial Narrative Statement, is **EXTENDED** until **February 23, 2015**.

There is also pending plaintiff's motion to appoint counsel. The appointment of counsel in a civil case is a matter within the discretion of the court. *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir. 1987). After careful consideration of plaintiff's motion, including the type and nature of the case, its complexity, and the plaintiff's ability to prosecute his claim, this Court is of the opinion that counsel is not necessary at this time

to insure that plaintiff's claims are fairly heard. *See Knop v. Johnson*, 977 F.2d 996 (6th Cir. 1992); *Mira v. Marshall*, 806 F.2d 636 (6th Cir. 1986). Plaintiff's motion for appointment of counsel [Doc. 14] is **DENIED**.

**E N T E R :**

s/ Thomas A. Varlan  
CHIEF UNITED STATES DISTRICT JUDGE